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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,577	10/03/2000	Iwao Masuyama	723-939	5668
27562 7590 06/22/2007 NIXON & VANDERHYE, P.C. 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER LEIVA, FRANK M	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 06/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/677,577

Applicant(s)

MASUYAMA ET AL.

Examiner

Frank M. Leiva

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-3, 5, 6, 10-14, 23, 24, 26, 27, 31-35 and 45-54 is/are pending in the application.
4a) Of the above claim(s) 1, 9, 15-22, 30 and 36-42 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 7, 8, 25, 28, 29, 43 and 44 is/are allowed.
- 6) ☒ Claim(s) 2-3, 5-6, 10-14, 23, 24, 26, 27, 31-35 and 45-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 2-3, 5, 6, 10-14, 23-27, 31-35, and 45-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Chiang Shiung-Fei (US 4,895,376), referenced herein as Fei.**

3. **Regarding claims 2, 3, 5, 6, 14, 23-27, 33-35, and 45-54; Fei teaches a game apparatus including: a game/game space/character/display/simulation control program and related storage sections (Elm 104 & Col 6:56-58); a player held housing (Figure 1); a game space display integrated into said player held housing (Elm 50 Figure 2); a change state detection device for detecting the amount and direction of a change in device orientation, movement, and tilt, (Figures 4-6, Col 6:4-28, Col. 1:60-Col. 2:2); a processor for executing said game and character programs, and generating game characters on said display responsive to said change state detection (Elm 104 & Abstract). As presented the display perspective of Fei is altered based on the user's tilting of the game housing (Figures 3 & 4). This change of perspective also referred to by Fei as scrolling in figure nine is understood as responsive to the direction of tilting resulting in a specific direction of scrolling) and an amount of tilting wherein said amount tilting is understood as a positive amount or alternatively zero. In similar fashion the resultant character moving speed related to the amount tilting (or the direction of tilting) is correlated as the existence or non-existence of horizontal character movement.**

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Where the movement of a character would be definition have an associated speed of movement when moving.

4. **Regarding claims 10, and 31;** Fei teaches a non-player character (tank) that proceeds in a predetermined motion in the game space in the absence of player interaction (Figure 5). Upon the occurrence of player interaction the non-player character proceeds in a combination of the original predetermined motion and motion derived from the player interaction.

5. **Regarding claims 2, 3, 5, 11, 23-26, 32, and 51-54** amended feature, Fei teaches that the game space is virtual and that only the size of the display limits the view of the characters in the displayed game. Other embodiments such as the driving game would show the player character displayed on the screen as to avoid other drivers, (Col 7:67-68, Col 8:1-59).

6. **Regarding claims 11-13 and 32,** Fei teaches multiple movement paths which are dependent on the user's orientation in the game world and characters (tanks) that move along different paths based on the user's perspective (Figure 6) this equated to "a display area defined such that, when the moving character moves on the game space, the moving character is different in action from that in another area". The display space is demonstrated to be smaller than the total game space in figure 6b-6c where the resulting scrolling from user interaction has cause a portion of trees not previously shown in figure 6b to become visible on the right of the display space in figure 6c.

Allowable Subject Matter

7. **Claims 4, 7-8, 25, 28-29, 43, and 44 are allowed.**

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8. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record including the newly cited art of Fei (US 4,895,376) fails to incorporate the change state detector along with game program storage means into a detachable cartridge, and the detecting device for detecting direction of an impact applied to said housing.

Response to Arguments

9. Applicant's arguments with respect to claims 4 and 25 have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's argument with respect to claims 2, 3, 23, and 24; have been fully considered but they are not persuasive. It is clear to the examiner that Fei discloses moving the characters according to the amount of movement and tilt exerted on the the game housing, (col. 1:60- Col. 2:2). The rejection is deemed proper.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Leiva whose telephone number is (571) 272-2460. The examiner can normally be reached on M-Th 8:30am - 5:pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

06/19/2007



Robert E Pezzato
Supervisory Patent Examiner
Art Unit 3714